

AFFIDAVIT IN SUPPORT OF COMPLAINT

Jun 07, 2018

SEAN F. McAVOY, CLERK

I, Ronald T. Ribail, being first duly sworn on oath, depose and state as follows:

I. AFFIANT'S QUALIFICATIONS, TRAINING AND EXPERIENCE

1. As set forth more fully below, I have probable cause to believe that Lorenzo MENDEZ has committed the crime of Attempted Production of Child Pornography in violation of 18 U.S.C. § 2251(a),(e), and Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a), and therefore request that a criminal complaint and warrant be issued for his arrest on said violations.

2. Your Affiant is an investigator or law enforcement officer of the United States (U.S.) within the meaning of Title 18, U.S.C., Section 2510(7), that is, an officer of the U.S. who is empowered to conduct investigations and to make arrests for the offenses enumerated in Title 18 and Title 21 U.S.C.

3. Your Affiant is a Special Agent of the Federal Bureau of Investigation (FBI) and has been so for the past 15 years. Your Affiant is currently assigned to the Seattle Division, Yakima Resident Agency, Eastern Washington Violent Crime Safe Streets Task Force (EWVCSSTF), and has been so assigned since April 2016. Prior to this, your affiant was assigned to the Norfolk Division, Newport News Resident Agency, Safe Streets Peninsula Task Force for approximately six years.

4. As part of your Affiant's duties as a FBI Special Agent, your Affiant has both participated in, and conducted, Drug Trafficking Organization (DTO), and gang investigations involving, but not limited to, physical surveillance, undercover transactions, controlled

purchases, court ordered pen registers, the use of wire and electronic communication interceptions, and state and federal search warrants.

5. Your Affiant has received training, both formal and informal, in the investigation of DTO, gangs, and money laundering, including, but not limited to, street level drug enforcement, narcotics interdiction, wiretap investigations, basic telecommunications exploitation, internet communications exploitation, and the FBI Basic Agent Training Academy located at Quantico, Virginia.

6. Your Affiant is familiar with the operation of illicit DTO, gangs and methods used to import controlled substances, distribute controlled substances, and launder the proceeds derived from such unlawful activities. Through this participation, and my training and past experience, I have gained an understanding of the manner in which controlled substances are manufactured, transported, smuggled and distributed, and have come to understand the various roles members of a drug trafficking organization serve in furtherance of the organization's drug trafficking and money laundering activities.

7. Your affiant has assisted in investigations involving criminal violations of child exploitation, including violations involving the production, advertisement, distribution, receipt and possession of child pornography. I have participated in numerous search warrants, seizures of computer systems and related devices, as well as other evidence involving violation of both federal and state law.

8. The facts and opinions set forth in this affidavit have been derived from the above described training and experience, as well as my personal participation in this investigation, and from information provided to me by agents and/or officers from other federal, state, and local

law enforcement agencies. Because this affidavit is being submitted solely for establishing probable cause to obtain a complaint and arrest warrant I have not included each and every fact known to me concerning this investigation.

II. PROBABLE CAUSE

9. Your affiant was advised by Sergeant Mark Lewis of the Moxee Police Department (MPD), located in Moxee, Washington, of the facts contained in the affidavit. Sergeant Lewis has been employed at the MPD since 2002 and was previously employed by the Tieton and Granger Police Departments. Sergeant Lewis has investigated over 100 class A, B, and C felony cases. He has received training and certifications in Sexual Assault Investigation Techniques, Criminal Investigations, Homicide Basic, Crime Scene Investigation, Child Forensic Interviewing, Street Crime and Narcotics Investigations, Basic Narcotics Investigations and numerous other training courses relevant to his law enforcement.

10. On June 5, 2018, Sergeant Lewis was contacted by F [REDACTED] H [REDACTED] at the Moxee Police Department. H [REDACTED] gave an audio/video recorded statement. H [REDACTED] stated that while she was in Bullhead City, Arizona, on June 4, 2018, with her live in boyfriend, Lorenzo MENDEZ, a Yakama Nation Police Officer, she looked at videos and images on his cellular telephone, described as a black Motorola or Samsung phone in a black case. H [REDACTED] reviewed MENDEZ's phone because she was concerned that he was having an affair. During her review of the videos on MENDEZ's phone, H [REDACTED] located three videos of a naked female. As she watched the videos, H [REDACTED] recognized the female in the videos as her 14

year old daughter, EH. H [REDACTED] determined that the videos were taken in her daughter's bedroom at the house she and shares with MENDEZ in Moxee, WA.

Based on the angle of the videos, H [REDACTED] concluded that the videos were taken utilizing a hidden camera that MENDEZ must have set up in EH's bedroom. After locating the videos, H [REDACTED] took a video of portions of the three videos utilizing her own cellular telephone. H [REDACTED] subsequently allowed MPD Sergeant Lewis to download the videos directly from her phone onto a MPD laptop. H [REDACTED] was unable to record the videos in their entirety because MENDEZ was sleeping in the same room and began to wake up. H [REDACTED] described one of the videos she observed as depicting EH masturbating.

11. After discovering the videos, H [REDACTED] called a relative, S [REDACTED] M [REDACTED], and asked her go to the residence in Moxee and search for the hidden camera in EH's room due to H [REDACTED] and MENDEZ being out town. M [REDACTED] later told H [REDACTED] that she found a camera hidden in the eye of a teddy bear set up across from EH's bed. M [REDACTED] removed the camera from the teddy bear and kept it. M [REDACTED] later came to the MPD, turned the camera over to Sergeant Lewis, and provided an audio/video recorded statement.

12. H [REDACTED] also called EH and asked her to take the teddy bear with her to her Grandma's house. EH later told H [REDACTED] that she threw the teddy bear in the back yard.

13. H [REDACTED] recalled that in approximately August or September of 2017 she and her daughter found a USB cube device plugged into an electrical outlet in EH's room. The cube appeared to have a pinhole camera in it. H [REDACTED] confronted MENDEZ about the cube. MENDEZ claimed he was unaware that the cube had a camera in it and that he had just put it in the room as a phone charger. MENDEZ subsequently threw the cube away.

14. H [REDACTED] further recalled that approximately four or five months ago, she located a phone in the bedroom she shares with Mendez that appeared to be broadcasting through a Wi-Fi signal. When confronted about the camera, MENDEZ stated that he installed it to try to catch the kids coming into their bedroom when they weren't home. H [REDACTED] advised that she had no idea the camera was in her room, or how long it had been broadcasting, and was angry about it. MENDEZ told her that it had only been broadcasting about 24 hours and that she did not need to know about the camera.

15. Approximately three months ago, H [REDACTED] also observed a box for a camera in MENDEZ's personal white Chevrolet Silverado. H [REDACTED] was suspicious about the camera because she did not know about it. H [REDACTED] took a photo of the box and sent it to a friend who knows about electronics. The friend told her it was a hidden camera. H [REDACTED] believed at the time that MENDEZ was trying to monitor her and her whereabouts, but now thinks this could have been the camera that was installed inside the teddy bear hidden in EH's bedroom.

16. H [REDACTED] advised that MENDEZ's daughter from a previous relationship and EH shared the bedroom where the teddy bear camera was installed. However, recently, MENDEZ had his daughter sleep in his son's room when she visits.

17. H [REDACTED] advised that MENDEZ brings a bulky laptop inside the house from his Yakama Nation Tribal Police vehicle. MENDEZ uses the laptop in their residence for personal business and returns it to his work vehicle.

18. On June 6, 2018, MPD obtained a search warrant, from Yakima County Superior Court (MPD case 18M0710) for MENDEZ's residence and vehicles, including MENDEZ's Yakama Nation Tribal Police vehicle, all located in Moxee, Washington, for evidence of the

crimes of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070) and Voyeurism (RCW 9A.44.115). The search warrant authorized the seizure of cellular telephones, the teddy bear that contained a hidden camera, cameras, computers, hard drives, and other media storage devices. During the execution of the search warrant, a black Motorola Moto cellular telephone in a black case was located on the night stand in the master bedroom. The phone was identified by H [REDACTED] as MENDEZ's phone, and the very same phone that she located and recorded the videos depicting EH. Paperwork from Verizon for a Motorola Moto phone purchase was located under the bed in the master bedroom. The paperwork identified MENDEZ as the purchaser.

19. During the execution of the search warrant, MPD officers searched MENDEZ's police vehicle, a Yakama Nation Tribal Police Chevrolet Tahoe. Officers located a large amount of a white crystal substance and a black tar substance contained in unmarked evidence bags in the rear of the patrol vehicle. The substances were suspected methamphetamine and heroin. MENDEZ's law enforcement supervisor was present during the search of the vehicle and advised that such substances would not normally be stored in the vehicle, especially due to the fact that MENDEZ had just returned from an out of state vacation. Sergeant Lewis contacted Yakama Nation Tribal Police Lieutenant Chumlee who informed Sergeant Lewis that according to Yakama Nation Tribal Police's records, MENDEZ had not been involved in any drug investigation since 2014.

20. MPD amended the search warrant to include controlled substances and the suspected drugs were seized from the vehicle. The white crystal substance field tested positive for methamphetamine. The approximate weights for the four bags of suspected methamphetamine were 28.6 grams, 14.5 grams, 8.2 grams, and 7.2 grams, respectively. The

suspected heroin was contained in four packages with a total combined weight of 7.5 grams. In your affiant's training and experience, the amount of the substances were larger than a normal user quantity, and were packaged in a manner consistent with distribution.

21. Your affiant reviewed the video taken by H [REDACTED] which is a compilation of the three videos observed by H [REDACTED] on MENDEZ's cellular phone (the Motorola Moto phone located on MENDEZ's nightstand during the execution of the search warrant). All of the videos appear to be taken in 14 year old EH's bedroom. The videos were date stamped with the following dates: April 11, 2018, April 14, 2018 and April 16, 2018.

a. One video depicts EH lying on her side wearing panties and a bra, with her back and buttocks towards the camera. EH is observed caressing her anus, buttocks and genitalia areas through her panties. EH appears to be take pictures of herself with a camera while she engaged in the aforementioned conduct.

b. Another video depicts EH from the back. EH removes her underwear, bends over, and then puts underwear on again. When EH bends over, her bare buttocks and genitalia are visible.

c. Another video depicts EH topless on the bed in the dark. The video camera capturing the images appears to have low light capability.

d. H [REDACTED]'s video also captured images of files stored on MENDEZ's phone. Some of the files appear to be video files and have a thumbnail, or a still image derived from the video. Multiple file thumbnails appear to depict EH's room.

III. CONCLUSION


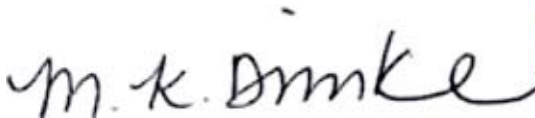
22. Based on the foregoing, I have probable cause to believe that Lorenzo MENDEZ has committed the crimes of Attempted Production of Child Pornography in violation of 18 U.S.C. § 2251(a),(e), and Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a), and request that a criminal complaint and warrant be issued for his arrest on said violations.



Ronald T. Ribail, Special Agent
Federal Bureau of Investigation

7th

Sworn to telephonically and subscribed electronically this _____ day of June, 2018.



Mary K. Dimke
United States Magistrate Judge